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COMMITTEE ON THE RIGHTS OF THE CHILD
Twenty-third session

# CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

## Concluding observations of the Committee on the Rights of the Child: Armenia

1. At its 603rd and 604th meetings (see CRC/C/SR.603-604), held on 20 January 2000, the Committee on the Rights of the Child considered the initial report of Armenia (CRC/C/28/Add.9), which was submitted on 19 February 1997, and adopted* the following concluding observations.

### A. Introduction

2. The Committee regrets that the State party report (CRC/C/28/Add.9) was not prepared according to the Committee's guidelines for initial reports. In particular, apart from in the spheres of health, welfare and education, there are significant gaps in information relating to general measures of implementation, general principles, civil rights and freedoms, and special protection measures. The Committee notes the timely submission of the written answers to the list of issues (CRC/C/Q/ARM/1) and the high level of the delegation in attendance, which enabled a constructive dialogue to take place. Moreover, the Committee appreciated the frank and open nature of the dialogue.

* At the 615th meeting, held on 28 January 2000.

## B. Positive aspects

3. The Committee welcomes the adoption of the 1996 Rights of the Child Act, which demonstrates the commitment of the State party to its obligations under the Convention.

4. The Committee notes that the State party is party to the six major international human rights instruments.

5. The Committee welcomes the establishment of the Human Rights Commission and the Gender Commission. It further welcomes the preparatory work towards the establishment of an Ombudsman.

## C. Factors and difficulties impeding the implementation of the Convention

6. The Committee notes that during the past few years the State party has had to face serious economic, social and political challenges posed by the transition to a market economy, including increased unemployment and poverty.

7. The Committee also notes the major socio-economic problems experienced as a consequence of armed conflict. It takes particular note of the large population of refugees and displaced persons. Moreover, the Committee notes that the consequences of the 1988 earthquake have had a serious impact on the welfare of the population, negatively affecting 40 per cent of the territory and approximately one third of the population, including children.

## D. Principal subjects of concern and Committee recommendations

### D.1. General measures of implementation

#### Legislation

8. While the Committee takes note that the 1996 Rights of the Child Act reflects some principles and provisions of the Convention, it nevertheless remains concerned that other relevant laws are not in full conformity with the Convention, and that disparities exist between law and practice.

9. **The Committee recommends that the State party pursue efforts to ensure full compatibility of its legislation with the Convention, based on a child rights approach and taking due account of the principles and provisions of the Convention. The Committee recommends greater steps be taken to ensure that these measures are fully implemented.**

#### Coordination

10. The Committee is concerned that the lack of administrative coordination and cooperation at the national and local levels is a serious problem in the implementation of the Convention.

11. **The Committee recommends that the State party adopt a comprehensive national plan of action to implement the Convention, and give attention to intersectoral**

**coordination and cooperation at and between national and local levels of government. The State party is encouraged to provide adequate support to local authorities for implementation of the Convention.**

Independent/monitoring structures

12. The Committee is concerned at the absence of a mechanism to collect and analyse disaggregated data on persons under 18 years in all areas covered by the Convention, including the most vulnerable groups (i.e. children with disabilities, children born out of wedlock, children who are living and/or working in the streets, children affected by armed conflicts, children living in rural areas, refugee children and children belonging to minority groups).

13. **The Committee recommends that the State party develop a comprehensive system for collecting disaggregated data as a basis to assess progress achieved in the realization of children's rights and to help design policies to implement the Convention. The Committee encourages the State party to seek technical assistance from, inter alia, UNICEF, in this regard.**

14. The Committee emphasizes the importance of setting up an independent mechanism with the mandate of regularly monitoring and evaluating progress in the implementation of the Convention at the national and local levels. In this regard, the Committee welcomes the State party's intention to establish a national commission for children.

15. **The Committee encourages the State party to establish a statutory, independent national commission for children with the mandate of, inter alia, regularly monitoring and evaluating progress in the implementation of the Convention. Further, such a Commission should be adequately empowered, composed and resourced so as to effectively take the lead in the process of implementing the Convention.**

Allocation of budgetary resources (art. 4)

16. The Committee expresses its concern that insufficient attention has been paid to article 4 of the Convention regarding the implementation to the "maximum extent of ... available resources" of economic, social and cultural rights of children.

17. **The Committee recommends that the State party develop ways to establish a systematic assessment of the impact of budgetary allocations on the implementation of child rights and to collect and disseminate information in this regard. The Committee recommends that the State party ensure the adequate distribution of resources at the national and local levels, where needed within the framework of international cooperation.**

Cooperation with NGOs

18. The Committee notes that cooperation with non-governmental organizations in the implementation of the Convention, including preparation of the report, remains limited. It is also concerned about the difficulties involved in the system of official registration of NGOs.

19. **The Committee encourages the State party to consider a systematic approach, involving NGOs and civil society in general throughout all stages of the implementation of the Convention, including policy-making. Furthermore, the Committee recommends that the State party provide the necessary support to NGOs to facilitate and accelerate the registration process.**

Training/dissemination of the Convention (art. 42)

20. The Committee notes the low level of awareness of the Convention amongst the general public, including children, and professionals working with children. The Committee is concerned that the State party is not undertaking adequate dissemination and awareness-raising activities in a systematic and targeted manner.

21. **In this regard, the Committee recommends that the State party develop an ongoing programme for the dissemination of information regarding the implementation of the Convention among children and parents, civil society and all sectors and levels of government. The Committee encourages the State party to pursue efforts to promote children's rights education in the country, including initiatives to reach the most vulnerable groups. Moreover, the Committee recommends that the State party strengthen its efforts and develop systematic and ongoing training programmes on the provisions of the Convention for all professional groups working with children (i.e. judges, lawyers, law enforcement officials, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers). The Committee encourages the State party to seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF in this regard.**

D.2. Definition of the child

22. The Committee is concerned about the disparities existing in legislation relating to minimum-age requirements, such as the minimum age for admission to employment (e.g. under the Civil Code and the 1996 Rights of the Child Act).

23. **The Committee recommends that the State party review its legislation with a view to ensuring that age limits conform to the principles and provisions of the Convention, and that it make greater efforts to enforce those minimum-age requirements.**

D.3. General principles

The right to non-discrimination (art. 2)

24. Noting that discrimination is prohibited under the law, the Committee, in line with the Committee on the Elimination of Discrimination against Women (A/52/38/Rev.1), the Human Rights Committee (CCPR/C/79/Add.100) and the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.39), is concerned that de facto discrimination on the grounds of gender persists. Moreover, the Committee is concerned at the discrepancies in the enjoyment of rights

in relation to certain vulnerable groups: children with disabilities, children living in rural areas, refugee children, children from poor families, children living and/or working on the streets, and those living in institutions.

25. **The Committee recommends that the State party make concerted efforts at all levels to address social inequalities through a review and reorientation of policies, including increased budgetary provision for programmes targeting the most vulnerable groups. The Committee encourages the State party to ensure the effective enforcement of protective laws, undertake studies and launch comprehensive public information campaigns to prevent and combat all forms of discrimination, to sensitize society to the situation and needs of children within the society and particularly within the family, where needed within the framework of international cooperation.**

Respect for the views of the child (art. 12)

26. In the light of article 12 of the Convention, the Committee is concerned that this general principle is not adequately reflected in the 1996 Rights of the Child Act. Moreover, the Committee is concerned that respect for the views of the child remains limited owing to traditional societal attitudes towards children in schools, care institutions, the courts and, especially, within the family.

27. **The Committee encourages the State party to promote and facilitate within the family, the school, care institutions and the courts respect for the views of children and their participation in all matters affecting them, in accordance with article 12 of the Convention. In this regard, the Committee recommends that the State party develop training programmes in community settings for teachers, social workers and local officials in assisting children to make and express informed decisions and to have their views taken into consideration.**

D.5 Family environment and alternative care

Children deprived of a family environment (art. 20)

28. The Committee expresses deep concern over the prevailing policies and practices of institutionalization in Armenia. In particular, the Committee is concerned that institutionalization, quite apart from being an alternative for children deprived of their parents, is effectively a substitute for parents who do not have the means to maintain their children. Moreover, the Committee is concerned at the high numbers of children in institutions, and the living conditions there. The Committee is concerned that these institutions are inadequately organized to provide a family environment, to support family ties or to meet the individual needs of each child; and that few community services are available to assist the parents to resolve the problems that force them to seek admission of their children. In the light of article 25 of the Convention, the Committee is concerned at the inadequate system to review placement, monitor or follow up the situation of children in institutions.

29. **Noting that the State party is considering draft codes of practice and regulations concerning placement of and institutional assistance to children deprived of a family**

**environment, the Committee nevertheless recommends that the State party formulate and implement a national policy of deinstitutionalization of children. The Committee recommends that the State party increase and promote the use of alternatives to institutionalization, such as community-based programmes to assist parents and foster care. In the event of the closure of institutions, consideration needs to be given to the planning and provision of substitute services for children who could be displaced by such closures. The Committee recommends further training of personnel in institutions. The Committee recommends that regular periodic review of placement be instituted and that mechanisms be established to evaluate and monitor the conditions in these institutions.**

Adoption (art. 21)

30. The Committee is concerned about the absence of national standards and statistics on foster care and adoption. The Committee is concerned that, with the current informal system of foster care, there is no established mechanism to review, monitor and follow up placement of children. Similarly in relation to adoption, the Committee is concerned about vague adoption procedures and the absence of mechanisms to review, monitor and follow up adoptions.

31. **Noting that the State party is considering draft codes of practice in relation to national and intercountry adoption, the Committee encourages the State party to establish a comprehensive national policy and guidelines governing foster care and adoption, and to establish a central monitoring mechanism in this regard. The Committee recommends that the State party accede to the 1993 Hague Convention on the Protection of Children and Cooperation in respect of Inter-Country Adoption.**

Violence/abuse/neglect/maltreatment (art. 19)

32. The Committee reiterates the concerns expressed by the Committee on the Elimination of Discrimination against Women (A/52/38/Rev.1) and the Human Rights Committee (CCPR/C/79/Add.100) that the State party has failed to acknowledge and address the matter of domestic violence. Notwithstanding protection under the Rights of the Child Act, the Committee expresses its concern at the ill-treatment of children, including sexual abuse, not only in schools and institutions, but also within the family. Limited access to complaints mechanisms and the insufficiency of rehabilitation measures for such children are also matters of concern to the Committee.

33. **In the light of, inter alia, articles 19 and 39 of the Convention, the Committee recommends that the State party ensure that all forms of physical and mental violence, including corporal punishment and sexual abuse against children in the family, schools and care institutions are prohibited. Programmes for the rehabilitation and reintegration of abused children need to be strengthened and adequate procedures and mechanisms established to receive complaints, monitor, investigate and prosecute instances of ill-treatment. The Committee recommends that the State party launch awareness-raising campaigns on the ill-treatment of children and its negative consequences. The Committee recommends that the State party promote positive, non-violent forms of discipline as an alternative to corporal punishment, especially in the home and schools. The Committee**

**recommends the training of teachers, law enforcement officials, care workers, judges and health professionals in identification, reporting and management of cases of ill-treatment.**

D.6. Basic health and welfare

Children with disabilities (art. 23)

34. While noting the protection afforded to children with disabilities under the 1996 Rights of the Child Act, the Committee is nevertheless concerned at the prevailing poor situation of children with disabilities, who are often institutionalized.

35. **In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted on its Day of General Discussion on Children with Disabilities (CRC/C/69), the Committee encourages the State party to make greater efforts to implement alternatives to the institutionalization of children with disabilities, including community-based rehabilitation programmes. The Committee encourages the State party to undertake a comprehensive national study on the situation of children with disabilities. Awareness campaigns, which focus on prevention, inclusive education, family care and the promotion of the rights of children with disabilities need to be undertaken. Adequate training should also be made available to persons working with these children, and the State party is encouraged to develop special education programmes for children with disabilities. The Committee encourages the State party to undertake greater efforts to make available the necessary resources, and to seek assistance from inter alia UNICEF and WHO, and relevant NGOs.**

Right to health and health services (art. 24)

36. The Committee wishes to reiterate the concerns expressed by the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.39) with regard to the deterioration in the health of the Armenian people, especially women and children, and decreasing budgetary allocations in this sector. The Committee's concerns include the deterioration in the quality of care; inadequate prenatal and neonatal care; poor nutrition; that the cost of care is a barrier to access to health care for poor households; and that abortion is the most commonly used means of family planning.

37. **The Committee recommends that the State party increase allocation of resources towards an effective primary health care system. The Committee recommends that the State party continue its efforts to distribute food to the poorest sections of society; expand use of iodized salt; and establish family planning programmes. The State party is encouraged to continue cooperation with and seek assistance from, inter alia, UNICEF, WHO, the World Food Programme and civil society.**

38. With regard to adolescent health, the Committee is concerned at the high and increasing rate of teenage pregnancies, and the consequent high rate of abortions among girls under 18, especially illegal abortions; and the rise in rates of STDs and spread of HIV. Although parents

play the most important role in this regard, nevertheless cultural attitudes, and lack of personal knowledge and communication skills on the part of parents are barriers to accurate reproductive health information and counselling.

39. **The Committee recommends that the State party undertake a comprehensive study on the nature and extent of adolescent health problems, to be used as a basis for formulating adolescent health policies. In the light of article 24, the Committee recommends that adolescents have access to and be provided with reproductive health education, and child-friendly counselling and rehabilitation services.**

40. The Committee expresses its concern at the high incidence of environmental threats, including contamination of water supplies, which have a negative impact on the health of children. The Committee is concerned that there is insufficient data on access to clean water and sanitation.

41. **In the light of article 24 (c) of the Convention, the Committee recommends that the State party take all appropriate measures, including international cooperation, to prevent and combat the damaging effects of environmental degradation on children, including pollution and contamination of water supplies. The Committee encourages the State party to collect data on access to clean water and sanitation.**

Right to an adequate standard of living (art. 27)

42. The Committee is concerned about the situation of children living and/or working on the streets, who are amongst the most marginalized groups of children in Armenia.

43. **The Committee recommends the State party establish mechanisms to ensure these children are provided with identity documents, nutrition, clothing, and housing. Moreover, the State party should ensure these children have access to health care; rehabilitation services for physical, sexual, and substance abuse; services for reconciliation with families; comprehensive education, including vocational and life-skills training; and access to legal aid. The State party should cooperate and coordinate its efforts with civil society in this regard. The Committee recommends that the State party undertake a study on the nature and extent of the phenomenon.**

## D.7. Education, leisure and cultural activities

Right and aims of education (arts. 28 and 29)

44. In line with the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.39), the Committee is concerned at the decline in budgetary allocation to the education sector, and the deterioration in the quality of education. The Committee remains concerned at the persistence of high drop-out, repetition and absenteeism rates, as well as poor access to education in rural areas. Moreover, in line with the Committee on the Elimination of Racial Discrimination (CERD/C/304/Add.51), the Committee expresses its concern that the requirement for teaching in

the Armenian language may in practice deny full access to education to ethnic and national minorities. The Committee is also concerned that low wages have forced teachers to offer private tuition, creating a two-tier system of education.

45. **The Committee recommends that the State party take all necessary measures to allocate the required resources (i.e. human and financial) to improve access to education for the most vulnerable groups of children; and to ensure that the quality of education is monitored and guaranteed. The Committee also recommends that the State party strengthen its educational policies and system in order to establish retention programmes and vocational training for drop-out students. The Committee recommends that greater efforts be directed to improving the quality of teacher training programmes, and improving the school environment. The Committee recommends that the State party pay due regard to the aims of education laid down in article 29 and consider introducing human rights, including the Convention on the Rights of the Child, into the school curricula, including at the primary school level. The Committee encourages the State party to seek assistance from, inter alia, UNICEF, UNESCO and relevant NGOs.**

### D.8. Special measures of protection

#### Unaccompanied, asylum seeking and refugee children (art. 22)

46. While the Committee welcomes the State party's openness towards refugees from neighbouring States, it remains concerned at the limited enjoyment of their rights by refugee, asylum-seeking and unaccompanied children.

47. **The Committee recommends that the State party increase efforts to implement the 1998 Refugee Law and adopt implementing sub-legislation. Given that the requirement of housing registration may be a barrier to naturalization for refugees, the Committee recommends that the State party continue efforts to facilitate naturalization through de facto residence registration, as well as easing the procedure and eligibility for regular housing registration. The Committee recommends that the State party establish special status determination procedures for unaccompanied children, and provide documentation to legalize stay in Armenia for asylum-seekers. The Committee recommends that the State party prevent the recruitment of refugees into the military. The Committee recommends that the State party continue its efforts to teach the Armenian language to refugee children and to address the trend of school drop-out among refugee adolescents. The Committee encourages the State party to continue and expand its cooperation with international agencies such as UNHCR and UNICEF to address the limited health, education and rehabilitation services available for refugee children, especially those residing in remote areas.**

#### Children and armed conflict, and their recovery (arts. 38 and 39)

48. The Committee expresses its concern at the negative impact of recent armed conflicts on children. In addition, the Committee is concerned about the alleged conscription of young children into the State party's armed forces.

49. **In the light of article 38 and other relevant articles of the Convention, the Committee recommends that the State party at all times ensure respect for human rights and humanitarian law aimed at the protection and care of children in armed conflict, and provide care and physical rehabilitation and psychological recovery measures for these children. The Committee also recommends that the State party refrain from conscripting children into the armed forces.**

Economic exploitation (art. 32)

50. The Committee is concerned that the negative effects of the current economic crisis has resulted in an increasing number of children dropping out of school and taking up work. The Committee also expresses its concern at the existence of children working in the informal sector, especially in agriculture, many of whom are working in hazardous conditions. The Committee is concerned that there is little awareness about the negative consequences of child labour and that there are inadequate measures to address it in Armenia.

51. **The Committee recommends that the State party ensure that the minimum age for admission to employment is enforced. Employers should be required to have and produce on demand proof of age of all children working on their premises. A national mechanism to monitor the implementation of standards at State and local levels should be established and empowered to receive and address complaints of violations. The Committee recommends that the State party undertake a national survey on the nature and extent of child labour. The Committee recommends that the State party carry out campaigns to inform and sensitize the general public, especially parents and children, of work hazards; and to involve and train employers', workers' and civic organizations; government officials, such as labour inspectors and law enforcement officials, and other relevant professionals. The State party should seek cooperation with relevant United Nations agencies, such as ILO and UNICEF, and NGOs in this regard. It is also recommended that the State party ratify ILO Convention No. 138 concerning the Minimum Age for Admission to Employment, and No. 182 concerning the prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.**

Drug abuse (art. 33)

52. The Committee is concerned about the increasing use and traffic in illicit drugs, and the alarming rates of tobacco use among persons under 18 years.

53. **The Committee recommends that the State party develop a national drug control plan, or a Master Plan, with the guidance of United Nations Drug Control Programme (UNDCP). The Committee encourages the State party to continue its efforts to provide children with accurate and objective information about substance use, including tobacco use; and to protect children from harmful misinformation through comprehensive restrictions on tobacco advertising. The Committee further recommends that the State party develop rehabilitation services for children who are victims of substance abuse. The Committee recommends cooperation with and assistance from WHO and UNICEF.**

Sexual exploitation and sexual abuse (art. 34)

54. The Committee is concerned at the insufficient data and awareness of the phenomena of sexual abuse and exploitation of children in Armenia, and the absence of a comprehensive and integrated approach to prevent and combat these phenomena.

55. **The Committee recommends that the State party undertake a national study on the nature and extent of sexual abuse and sexual exploitation of children, and that disaggregated data be compiled and kept up to date to serve as a basis for designing measures and evaluating progress. The Committee recommends that the State party review its legislation and ensure that it criminalizes the sexual abuse and exploitation of children and penalizes all offenders, whether local or foreign, while ensuring that the child victims of these practices are not penalized. The Committee recommends that the State party ensure that domestic laws concerning the sexual exploitation of children are gender neutral; provide civil remedies in the event of violations; ensure that procedures are simplified so that responses are appropriate, timely, child-friendly and sensitive to victims; include provisions to protect from discrimination and reprisals those who expose violations; and vigorously pursue enforcement. Rehabilitation programmes and shelters should be established for child victims of sexual abuse and exploitation. There is a need for trained personnel. The Committee recommends that the State party carry out awareness-raising campaigns to sensitize and mobilize the general public on the child's right to physical and mental integrity and safety from sexual exploitation. Bilateral and regional cooperation should be reinforced, involving cooperation with neighbouring countries.**

Administration of juvenile justice (arts. 37, 40 and 39)

56. The Committee is seriously concerned at the absence of a system of juvenile justice in Armenia, in particular the absence of special laws, procedures and juvenile courts. The Committee expresses its concern at the length of pre-trial detention and the limited access to visitors in this period, the use of detention not as a measure of last resort; the often disproportionate length of sentences in relation to the seriousness of offences; conditions of detention, and the fact that juveniles are often detained with adults. The Committee is also concerned at the absence of facilities for the physical and psychological recovery and social reintegration of juvenile offenders.

57. **The Committee recommends that the State party take all measures to fully integrate into its legislation and practice the provisions of the Convention, in particular articles 37, 40 and 39, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System. Particular attention should be paid to ensure that the deprivation of liberty is only used as a measure of last resort, that children have access to legal aid and that children are not detained with adults. Facilities and programmes for the physical and psychological recovery and social reintegration of juveniles should be developed.**

58. **The Committee recommends that the State party take into account the recommendations adopted at its Day of General Discussion on the Administration of Juvenile Justice (CRC/C/46). Furthermore, the Committee recommends that the State party seek assistance from, inter alia, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Juvenile Justice.**

### D. 9. Dissemination of the report

59. **Finally, the Committee recommends that, in accordance with article 44, paragraph 6, of the Convention, the initial report presented by the State party be made widely available to the public at large and that consideration be given to the publication of the report along with the written answers to the list of issues raised by the Committee, the relevant summary records of the discussion and the concluding observations adopted thereon by the Committee following its consideration of the report. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.**

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